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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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ANTONELLI, TERRY, STOUT & KRAUS, LLP
1300 NORTH SEVENTEENTH STREET
SUITE 1800
ARLINGTON, VA 22209-9889

EXAMINER

TRAN, TRANG U

ART UNIT	PAPER NUMBER
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2614

DATE MAILED: 01/27/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/418,822

Applicant(s)

ICHIFUJI ET AL.

Examiner

Trang U. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 42-65 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 42-65 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☒ Certified copies of the priority documents have been received in Application No. 08/844,431.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>Sep. 23, 2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

1. Applicant's arguments filed October 04, 2004 have been fully considered but they are not persuasive.

In re pages 11-12, applicants argue that prior art validity of the Video Guide User's Manual was already considered in an EPO Opposition, where it was ruled to be unreliable as prior art because it could not be proven that the public had access to the reference on the date indicated on the reference in 1995 because, in the European application corresponding to the present US case, the EPO's Opposition Division concluded that the reference (i.e., Reference D4(2) in the corresponding European application) is not Prior Art since there is no proof that the reference was known to the public before the priority date of the present application.

In response, the examiner respectfully disagree. First at all, the reference "Video Guide User's Manual" is a User's Manual (Copyright O 1995 Video Guide, Inc.). Since the reference is a User's Manual, the reference is available to at least users (public) of the system or services described in the reference from 1995. Additionally, the reference is available and can be readily accessed by the employees, who can distribute the reference to friends and families' members, (public) of the printing company (Video Guide, Inc.) from 1995. From the above two reasons, it is clear that the reference is available and could be accessed by the public (users of the system or services described in the reference and employees, who can distribute the reference to friends and families' members, of the printing company, Video Guide, Inc.) since 1995. It is

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noted that applicants do not credibly argue, nor could they, that the reference "Video Guide User's Manual" is not available or could not be accessed by the public from 1995.

In re page 13, applicants argue that, even beyond the Video Guide User's Manual not being available as prior art, the feature indicated by the Examiner on Page 4, lines 21-22 of the outstanding Office Action could not be read from the reference because it is cannot be determined whether the character string "Little Nemo: Adventures in..." is an extended program or not because there is no description of same within the reference.

In response, the examiner respectfully disagrees, the figure in page 12 of the Video Guide User's Manual shows "Little Memo: Adventures in...". The "..." symbol of the figure is sufficient evidence of the claimed extended program.

In re page 13, applicants argue that, even reviewing the figure on page 12 of the reference, applicants could not find any sufficient explanation to suggest any combination with Lawler et al; specifically, as seen from the program "College Basketball UMass vs. Temple" in Fig. 8 of Lawler et al, there is no omission of a program if the program extends beyond a prescribed time period.

In response, the examiner respectfully disagrees. Page 10 of the Video Guide User's Manual discloses that Program Guide can be displayed in three different formats, Standard Format, Expanded Format, and Alphabetical Format. The superior Program Guide display formats of the Video Guide User's Manual are all that would be needed to motivate the artisan to display the Program Guide of Lawler et al in the expanded format of the Video Guide User's Manual.

In re page 14, applicants argue that, with respect to claim 48, none of the applied references discloses or suggests the claimed fifth feature/operation, a particular background information block characteristic (e.g., shape) also is changed for Applicant's extended programs.

In response, the examiner respectfully disagrees. The capability of moving the JOYSTICK left or right, up or down disclosed in page 12 of the Video Guide User's Manual to change the background information block characteristic as claimed in claim 48.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 42-65 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lawler et al. (US patent No. 5,585,838) in view of Alten et al. (US Patent No. 5,781,246), and further in view of the Video Guide User's Manual, Part # 030-10011, revision 1.0, 1995 (page 12).

In considering claim 42, Lawler et al. discloses all the claimed subject matter, note 1) the claimed a menu-grid display controller to display a menu of at least present and future programs for plurality of channels in a grid is met by the display of Fig. 8 which displays the present and future programs (Figs. 3 and 8, col. 8, line 21 to col. 9, line 17 and col. 14, lines 23-48), 2) the claimed an omission display controller which

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omits a part of a character information of a particular program when a number of characters in the character information of the particular program is larger than a number of characters which can be displayed in a first prescribed zone of the grid, wherein the omission display controller adds an omission symbol to a remaining part of the character information of the particular program from which a part was omitted when displaying the remaining part of the character information of the particular program from which a part was omitted in the first prescribed zone in the grid is met by the interactive controller 18 which is controlled the generation and display of the program time guide on the video display 20 and Fig. 3 which has the label 89 of the program tile 88 may be the program title, an abbreviation of the program title or any other indicator which identifies the corresponding program (Figs. 3 and 8, col. 8, line 21 to col. 9, line 17 and col. 14, lines 23-48), 2) the claimed a full display controller which displays, in response to a predetermined selection of the selected particular extended program, an entirety of the character information of the selected particular program in a second prescribed zone displayed together with the grid, at least when the particular program exceeds the prescribed time period of the first prescribed zone in the grid is met by the program summary panel 108 which may include a preview window 110, the full title of the program 112, a description of the program 114, and may also contain one or more information icons (Figs. 3 and 8, col. 10, lines 16-56 and col. 14, lines 23-48), and 3) the claimed a display change controller which changes a particular background information block when the particular background information block cannot be displayed in full in the first prescribed zone indicative of the prescribed time period of the grid is met by as the

focus frame 102 moves, it expands or shrinks in size to correspond to the fully visible portion of the designed program title (Fig. 3, col. 11, line 12 to col. 13, line 37).

However, Lawler et al. explicitly does not disclose: 1) the claimed a program time information of particular future program, and 2) the claimed the particular program is a particular extended program.

1) Alten et al teach that in order to view programming information for later or earlier times, the user employs the left and right direction arrows 43B, as a consequence, **the system will display future program schedule information for the particular channel** previous selected by the up and down direction arrows, whether it is the channel currently being viewed or any other available channel, **the schedule information presented includes the name of the program and program start/stop time** (Fig. 12A, col. 13, line 62 to col. 15, line 3). Therefore, it would have been obvious to ordinary skill in the art at the time of the invention to incorporate the **program start/stop time** as taught by Alten et al into Lawler et al's system in order to provide the user with more powerful and convenient operating environment while, at the same time, increasing the efficiency of navigation by the user through the guide.

2) the Video Guide User's Manual, Part # 030-10011, revision 1.0, 1995 (page 12) teaches that display program guide in expanded format which has the omitted symbol (...) in the extended program "Little Nemo: Adventures in...". Therefore, it would have been obvious to one ordinary skill in the art at the time of the invention to incorporate the omitted symbol displays in the extended program as taught by the Video Guide User's Manual, Part # 030-10011, revision 1.0, 1995 (page 12) into Lawler et al'

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system in order to allow a user to determine what programs will be available in the future and increasing the efficiency of navigation by the user through the guide.

In considering claim 43, the claimed further comprising a judge controller which judges whether a number of characters in the character information of the particular extended program is larger than the number of characters which can be displayed in the first prescribed zone is met by the interactive controller 18 which is controlled the generation and display of the program time guide on the video display 20 and Fig. 3 which has the label 89 of the program tile 88 may be the program title, an abbreviation of the program title or any other indicator which identifies the corresponding program (Figs. 3 and 8, col. 8, line 21 to col. 9, line 17 and col. 14, lines 23-48 of Lawler et al).

In considering claim 44, the claimed further comprising a select controller which selects the character information of the particular extended program from a plurality of character information is met by the interactive controller 18 which is controlled the generation and display of the program time guide on the video display 20 and Fig. 3 which has the label 89 of the program tile 88 may be the program title, an abbreviation of the program title or any other indicator which identifies the corresponding program (Figs. 3 and 8, col. 8, line 21 to col. 9, line 17 and col. 14, lines 23-48 of Lawler et al).

In considering claim 45, the claimed further comprising a judge controller to judges whether a background information block indicative of program time can be displayed in full in the first prescribed zone of the grid is met by as the focus frame 102 moves, it expands or shrinks in size to correspond to the fully visible portion of the designed program title (Fig. 3, col. 11, line 12 to col. 13, line 37 of Lawler et al).

In considering claim 46, the claimed further comprising a select controller which selects a shape of the particular a background information block indicative of program time from a plurality of shapes of background information blocks indicative of program time is met by as the focus frame 102 moves, it expands or shrinks in size to correspond to the fully visible portion of the designed program title (Fig. 3, col. 11, line 12 to col. 13, line 37 of Lawler et al).

In considering claim 47, the claimed wherein the character information of the particular extended program is a title of the particular extended program is met by the program title 88 (Figs. 3 and 8, col. 8, line 21 to col. 9, line 17 and col. 14, lines 23-48 of Lawler et al).

Claims 48-53 are rejected for the same reason as discussed in claims 42-47, respectively.

Claim 54 is rejected for the same reason as discussed in claim 42 above, and further the claimed a display and a digital broadcasting receiver which displays at least one of video or character information of programs is met by the interactive station controller 18 which sometimes referred to as a set top box, and one video display 20 such as television and an input device 22 such as an infrared remote control (Fig. 2, col. 7, line 7 to col. 8, line 21 of Lawler et al).

Claims 55-59 are rejected for the same reason as discussed in claims 43-47, respectively.

Claim 60 is rejected for the same reason as discussed in claim 42 above, and further the claimed a display and a digital broadcasting receiver which displays at least

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one of video or character information of programs is met by the interactive station controller 18 which sometimes referred to as a set top box, and one video display 20 such as television and an input device 22 such as an infrared remote control (Fig. 2, col. 7, line 7 to col. 8, line 21 of Lawler et al).

Claims 61-65 are rejected for the same reason as discussed in claims 43-47, respectively.

Conclusion

4. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Trang U. Tran whose telephone number is (703) 305-0090. The examiner can normally be reached on 8:00 AM - 5:30 PM, Monday to Friday.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (703) 305-4795. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

TT TT
January 20, 2005


JOHN MILLER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600